

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-16 are currently pending in the present application.

Initially, the undersigned notes with appreciation that the previous response resulted in the reconsideration and withdrawal of the then outstanding rejections, including the rejection of the claims under 35 U.S.C. §112, second paragraph. However, the amendments to the claims present in the response filed on December 10, 2008 resulted in new rejections under 35 U.S.C. §103 being presented by the Examiner based upon newly cited documents. Accordingly, the undersigned presents the following so that the Examiner has the benefit of Applicant's counsel's analysis of the newly cited documents in considering the patentability of the currently pending claims.

According to paragraph 9 of the Office Action, claims 1-4, 6-12 and ~~13~~-16 stand rejected as being unpatentable under 35 U.S.C. §103 over Mittal (U.S. Patent No. 7,035,212) in view of Beshai. The undersigned believes there may be an error in the claim numbering since it appears from the remainder (e.g., paragraph 10) of the Office Action that Claims 1-4, 6-12 and ~~14~~-16 were intended. We nevertheless comment as follows.

Considering first the primary document to Mittal, in the description in columns 1-3 relating to Figure 1A, incoming data packets from a source port 14 are allocated an ingress flow ID by the source port 14. The ingress flow ID is inserted into a field in the packet headers for each of the packets in the stream. A flow is defined as a packet stream with the packets in the stream having similar parameters, such as bandwidth or Class of Service (CoS) or other requirements. The packets are stored in egress memory 20 on the basis of the flow ID in the packet header.

The ingress memory hub informs the ingress traffic manager of the packet ID and packet size of each packet. The ingress traffic manager sends scheduling information for that packet back to the ingress hub, whereby indicating when packets for different ingress flow IDs are to be output to a switch fabric 34. The ingress flow manager schedules the flows according to the ingress flow IDs and the ingress

memory hub causes the next packet in the ingress memory 20 to be read out. The ingress memory hub inserts an egress flow ID into the packet header before it is sent to the switch fabric. Packets are queued in an ingress queue on a per flow basis or on a CoS basis. The reverse procedure occurs at the egress side of the switch fabric, using egress memory hub, memory and traffic manager.

Column 4 of Mittal describes Figure 2, which is a detailed diagram of the ingress traffic manager and ingress memory hub of Figure 1. Therein, the packets are shown as comprising a payload 58 and header 56 containing the ingress flow ID. A number N of ingress queues 42 is provided in the ingress traffic manager 16, each corresponding to a respective ingress queue 46 in the memory hub 18, one per ingress flow ID. The ingress queues 42 each contain a field 45 tracking the total number of packets (in the queue) and a field 45 tracking the total length of all the packets in the associated ingress flow. Each ingress queue also includes an ordered queue 47 that identifies the length of each packet received for that particular ingress flow ID in packet arrival order.

An ingress packet arriving at the ingress memory hub 18 is written into the ingress memory 20 according to the ingress flow ID in the packet header. The egress flow ID associated with the ingress flow ID is loaded into field 48 and a forwarding label associated with that ingress flow ID is loaded into field 50, these IDs having been set up at the outset in source port 14 of Figure 1 of Mittal. When a packet is scheduled to be output, a traffic manager controller 40 informs the memory hub controller 44 to read the packet for the ingress flow ID identified by the traffic manager controller 40. The memory hub controller 44 modifies the header for then outbound packet by adding the forwarding label and egress flow ID from the respective fields 50 and 48.

1. Mittal Fails To Teach or Suggest Storing Only The Packet Payload in the Ingress Memory

It is abundantly clear from the description in Mittal that, although the packet headers are used in the control and scheduling of packets, there is absolutely no

teaching or suggestion that only the packet payload, i.e., the data portions of the packets as per Applicant's claims, are stored in the ingress memory described by Mittal. Mittal had ample opportunity to make this distinction, especially since the division of packets into header and payload portions was acknowledged in Figure 2 and various fields were discussed in relation to Figure 2, as also outlined above. The fact that Mittal did not make that distinction can only be taken by one of ordinary skill in the art as instead disclosing the ingress memory stores data packets per se, including payload and header. This is, of course, quite the opposite of Applicant's claims.

This being so, it is clear that Mittal potentially suffers from the same defects as other prior art packet processors, where the header and payload portions are dealt with as a single entity. Applicant expressly sets out to avoid these defects by separating out the header portions from an incoming stream of packets and passing the data portions directly to a memory where data portions of varying sizes can be allocated to comparable sized memory locations whilst the header portions are operated on in one or more managed queues.

The passage in Column 4, lines 31-40 referred to by the Examiner in connection with Mittal and claim 1, clearly states, "[t]he memory hub controller 44 writes the *packet* 54 into ingress memory 20 according to the ingress flow ID in header 56 ..." (emphasis added). It is also clear from Figure 2 of Mittal at least that the packet 54 consists of the packet payload 58 *and* the packet header 56. There can be no doubt that Mittal discloses and teaches that the whole packet, i.e., payload *and* header, are stored in the ingress memory. In apposition to Mittal, Applicant's claim 1 requires *only* the data portions (equivalent to the payload portion in Mittal) being stored in independent memory locations in a first memory and storing *only* record portions (equivalent to the header in Mittal) being stored in one or more managed queues in a second memory.

Accordingly, it is respectfully submitted that Mittal simply does not disclose this feature of Applicant's claim 1 combination.

2. Mittal Also Fails to Teach or Suggest That The Claimed Second Memory Has Fixed Size Memory Locations Equal in Size to the Size of the Record Portions

Furthermore, the Official Action alleges that Mittal discloses the second memory having fixed size memory locations equal in size to the size of the record portions. For Mittal to meet this requirement, the locations for the header portions must be equal in size to the size of the header portions. In this regard, the Official Action quotes column 4, lines 5-30 of Mittal. Although this passage does refer to the ingress queue being "associated with" flow ID, length and CoS, and a field 43 tracking the total number of packets, these relationships bear no relation to the *size* of the memory locations relative to the *size* of the packet headers. It is respectfully submitted that it is not possible to deduce this equality from the referenced passage of Mittal.

Even further, this same passage in Mittal is alleged to disclose that the memory locations in the first memory are arranged in blocks having a plurality of different sizes and the memory locations are allocated to the data portions according to the size of the data portions, as required in Applicant's claim 1. As stated above, the mere fact that there may be an association between the queues, flow ID, length and CoS, and the field tracking the total number of packets, is of absolutely no consequence as regards the required parameters of the memory locations. To be more specific, there is no possibility that one of ordinary skill in the art could deduce from the referenced passage in Mittal that its memory locations in the memory are arranged in blocks of different sizes and that the memory locations are allocated to the data portions according to the size of the data portions.

Instead, the closest that Mittal gets to acknowledging any different treatment of packets is in column 5, lines 46-49, which asserts that packets may be converted into cells, defined as portions of packets, at the ingress side of the switch fabric. Normally, one would associate "cells" with ATM-type transmission systems but there is no such suggestion in Mittal. The reader is left wondering as to the purpose of this division into cells. Regardless, there is certainly no hint in Mittal that this division (or

"conversion", to be exact) has anything to do with the size of the packet and the allocation of memory locations of different sizes to the data portions according to the size of the data portions. A packet divided into *n* cells could be stored in any number of memory locations, all of which could be of the same size, without the possibility that the memory locations are of different sizes to accommodate packets of different sizes. Mittal is simply not explicit in this respect and does not teach or suggest this feature of Applicant's claim 1 combination.

Accordingly, it is respectfully submitted that Mittal does not in fact disclose various features of Applicant's claim 1 combination, particularly: (1) storing *only* data portions in locations in a first memory; (2) storing *only* record portions in a second memory having fixed size memory locations equal in size to the size of the record portions; and (3) the memory locations in the first memory being (i) in blocks of different sizes and (ii) allocated to the data portions according to the size of the data portions. It is noted that the Official Action relies upon the secondary document to Beshai to allegedly teach the feature that the first memory is larger than the second memory. Although the undersigned does not necessarily agree with this characterization of Beshai, the point is moot since Beshai fails to remedy the aforescribed deficiencies of Mittal.

Accordingly, it is respectfully submitted that that Applicant's claim 1 combination as it currently stands is both novel and non-obvious and is therefore allowable, there being no other objections or rejections of that claim. Similar arguments apply to the memory hub claimed in independent claim 9, which contains the same features as claim 1. It further follows that the dependent claims are also allowable for at least the reasons set forth above with respect to the independent claim from which they depend.

Claims 5 and 13 stand rejected as allegedly being unpatentable under 35 U.S.C. §103 over Mittal in view of Beshai further in view of Radharkrishnan (U.S. Patent Publication No. 2004/0022094). Initially, it is not clear that Radharkrishnan is even presumptive prior art with respect to the present application, since its U.S. filing date was February 4, 2003 and Applicant's priority date is November 11, 2002. Radharkrishnan can only be presumptive prior art with respect to the present

application under 35 U.S.C. §102(e) if the relevant material finds support in the early filed provisional application from which it claims priority. Since the undersigned does not have ready access to this material, it is respectfully requested that the Examiner provide a copy of the provisional application if this ground of rejection is maintained so that Applicant has a full and fair opportunity to evaluate whether Radharkrishnan is, in fact, presumptive prior art.

Regardless, since Radharkrishnan does not remedy the afore-described deficiencies of Mittal, it is respectfully submitted that no combination of Mittal, Beshai and Radharkrishnan could have motivated one of ordinary skill in the art to have arrived at Applicant's claim 5 and 13 combinations.

All of the objections and rejections raised in the Official Action having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, he is invited to contact the undersigned at (540) 361-1863.

Respectfully submitted,

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